

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNELL T. RICHARDSON,

Plaintiff,

-v-

CITIZENS FINANCIAL GROUP, INC.,

Defendant.

ORDER
14-CV-942-A

Plaintiff Donnell L. Richardson brings this *pro se* action against Defendant Citizens Financial Group alleging a claim under the Equal Credit Opportunity Act, 15 U.S.C. § 1691, *et seq.*, and a claim under the Fair Credit Reporting Act, 42 U.S.C.A. § 3601, *et seq.* The case is before the Court on a motion filed by Plaintiff Richardson for the assignment of *pro bono* counsel. Dkt. No. 22. For the reasons stated below, the motion is denied.

The Court has broad discretion to determine whether to appoint counsel. *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997); *see also Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). The inquiry is basically:

1. Whether the litigant's claims seem likely to be of substance;
2. Whether the litigant is able to investigate the crucial facts concerning the claims;
3. Whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder;

4. Whether the legal issues involved are complex; and
5. Whether there are any special reasons why appointment of counsel would be more likely to lead to a just determination.

Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997); *see also Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). The Court considers the issue of appointment carefully, of course, because “every assignment of a volunteer lawyer to an undeserving client deprives society of a volunteer lawyer available for a deserving cause.” *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989).

After due consideration, the Court finds that assignment of pro bono counsel to Plaintiff Richardson is unwarranted at this time. The motion to assign counsel is therefore denied without prejudice.

SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: November 2, 2017